IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE NINTH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION NO: 15979 of 2004

Between:

Smt. Bomma Sampurna, Hindu, W/o Bomma Peddi Reddy, Ramya DWCRA Group, The Implementing Agency, Upper Primary School, Guntur Lingannapalem village, Lakshmakkapalli Grampanchayat, P.C. Palli Mandal, Prakasam District.

... PETITIONER

AND

1 The District Collector, Ongole, Prakasam District.
2 The Mandal Revenue Officer, Pedacherlopalli Mandal, Prakasam District.
3 The Mandal Parishad Upper Primary School rep. by its Head Master, Guntur Lingannapalem Village, P.C. Palle Mandal, Prakasam District.
4 M/s Revathi DWCRA Group, Rep. by Smt. Baliboina Rathamma W/o Malakondaiah, Guntur, Lingannapalem village, P.C. Palli Mandal, Prakasam District.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ order or direction more one in the nature of Writ of Mandamus declaring the proceedings of the 2nd respondent issued in Rc.B. 119/2004 dt.
25-8-2004 in appointing the 4th respondent as Implementing agency to take up Mid Day Meals in the 1st respondent School by removing the petitioner implementing agency as illegal, arbitrary politically motivated violative of principles of natural justice and consequently, direct the respondents to continue the petitioner as implementing agency to take up the Mid Day Meal Scheme in the 3rd respondent school.

Counsel for the Petitioner: MR.M.BRAHMA REDDY

Counsel for the Respondents 1 to 3: GP FOR REVENUE

The Court at the admission stage made the following:

ORDER:

Petitioner who was appointed as an Implementing Agency for supplying midday meals to the children of Mandal Parishad Upper Primary School, Guntur Lingannapalem Village, P.C.Palle Mandal, Prakasam District, filed this Writ Petition questioning the proceedings issued by the Mandal Revenue Officer, dated 25-08-2004 in Rc.B.119/2004, wherein he appointed M/s Revathi DWCRA Group represented by its President Smt.Baliboina Rathamma – 4th respondent herein as implementing agency to take up the midday meals scheme. Even before the said appointment, the Sarpanch of the said village made a representation before the District Collector and the Joint Collector to continue all the eight DWCRA groups of Guntur Lingannapalem village to arrange midday meals to the school children. But, inspite of the same, learned counsel for the petitioner contends that the appointment of the fourth respondent as implementing agency is arbitrary, illegal and the same is liable to be set aside.

2. Since the District Collector who is the competent authority to implement the scheme in accordance with the guidelines and it is

the Joint Collector under whose jurisdiction the process of selection and appointment of implementing agency in the entire district is monitored, if the selection and appointment of the fourth respondent is contrary to the guidelines, petitioner can approach the Joint Collector or the District Collector, as the case may be, by filing an application. On filing such application, it is for the said authority to consider the application and pass appropriate orders within a period of two weeks from the date of making such an application.

The Writ Petition is disposed of accordingly. No costs.

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A. **GOPAL REDDY, J**

September 9, 2004

N.B. *Furnish copy in three days*

(**B/o)**

MRR

To:

1 The District Collector, Ongole, Prakasam District.

2 The Joint Collector, Ongole, Prakasam District.
3 The Mandal Revenue Officer, Pedacherlopalli Mandal,

Prakasam District.
4 The Head Master, Mandal Parishad Upper Primary School,

Guntur Lingannapalem Village,
P.C. Palle Mandal, Prakasam District.
5 Two C.C.s to the G.P. for Revenue, High Court Buildings,

Hyderabad (O.U.T.).

6 Two C.D. Copies.